SINGLE BENCH

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 5506 /2006

PETITIONER: B. Ramarao, son of Shri B.S. Rao, aged about 43 years, resident of C-12, Pali Project, P.O. Birsinghpur, District Umariya (M.P.), presently working as Superintendent of Mines, Pali Project, Johilla Area, SECL.

P.R. No. 4160/06
Presented by Shri B.P. Sharma
dated 1/8/06

Vs

RESPONDENTS:

1. Coal India Limited, through its Chairman [illegible] Coal Bhawan, 1, Netaji Subhash Road, Kolkata (W.B.)
2. South Eastern Coalfields Ltd., through its Chairman cum Managing Director, Registered office at Seepat Road, Bilaspur.
3. The General Manager (Personnel), Coal India Limited, Coal Bhawan, 1, Netaji Subhash Road, Kolkata (W.B.)

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA.

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) No. 5506 of 2006

Petitioner : B. Ramarao

Versus

Respondents : Coal India Limited & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Ajit Singh, counsel for the petitioner.

ORDER

(27th October, 2006)

1. The petitioner, who was working as Superintendent of Mines, Pali Project, Johilla Area, S.E.C.L. E-5 Grade since 2003, had filed this petition challenging the validity and correctness of the office memorandum dated 12.6.2006 (Annexure P/11) whereby the recommendations of the committee, held on 21st July, 2005 (Annexure P/10) was made effective from 8.5.2006.

2. The committee made following recommendations:-

> "7.1 Henceforth the benefit of promotion on passing 1st Class should be given to those 2nd Class Managers only who passed 1st class while working in E-2 grade as was prevalent before 1-4-1993 and provided in the Common Coal Cadre from the effective date of passing as indicated in the 1st Class Certificate provided it is submitted within one month from the date of issue otherwise from the date of submission. The executives who pass 1st Class MMCC in E3, E4 & E5 grade will be horizontally placed in the same grade in First Class Channel from the effective date of First Class."

3. The General Manager (Personnel) vide office memorandum dated 12.6.2006 accepted the recommendations of the committee to remove

anomalies and for regulating future career growth of Mining executives. The said recommendations come into force w.e.f. 8.5.2006 in following terms:-

> "The above recommendation shall be come into force with effect from 8.5.2006. Accordingly, the old cases shall be disposed as per existing norms and guidelines and new pass out cases shall be dealt as per recommendation mentioned above."

Learned counsel appearing for the petitioner submits that the recommendations of the committee constituting of the senior officers be made effective with effect from the date the recommendations were made.

5. It is well settled principle that recommendations are always advisory in the nature and it cannot be directed to give effect to such recommendations without the same being accepted. It is accepted by the competent authority to grant benefit under the recommendations and even the recommendations can be refused also. In the present case, some recommendations of the committee have been accepted by the respondent No. 1 and was made effective from 8.5.2006 vide office memorandum dated 12th June, 2006 (Annexure P/11).

6. The petitioner is not in a position to point out any right which has accrued in favour of the petitioner and further there was any breach of such right which has accrued in favour of the petitioner. Thus, this petition is devoid of merit. It deserves to be and is dismissed summarily.

Sd/-
Satish K.Agnihotri
Judge

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